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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JANE EISENBERG,

Plaintiff,

vs.

THE BOARD OF EDUCATION OF RABBI
PESACH RAYMON YESHIVA, RABBI
PESACH GROSS, INDIVIDUALLY AND
NACHUM SORKIN, INDIVIDUALLY,

Defendants.

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CIVIL ACTION NO.

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Defendants, The Board Of Education Of Rabbi Pesach Raymon Yeshiva, Rabbi Pesach Gross, and Nachum Sorkin ("Defendants"), by and through its attorneys, Epstein Becker & Green, P.C., respectfully say:

1. Plaintiff, Jane Eisenberg, commenced this action on April 16, 2009 by filing a Complaint in the Superior Court of New Jersey, Law Division, Monmouth County, entitled Jane Eisenberg v. The Board Of Education Of Rabbi Pesach Raymon Yeshiva, Rabbi Pesach Gross, Individually and Nachum Sorkin, Individually, Docket No. MON-L-1930-09. Said action is now pending in that Court.

2. Defendants received their first notice of the Complaint on May 5, 2009, when plaintiff served upon them a copy of the Summons and Complaint.

3. A copy of each of the foregoing papers, which constitutes all of the processes and pleadings to date, is annexed hereto as Exhibit A.

4. The above-captioned action is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. §1331, and is one that may be removed to this Court by defendant pursuant to 28 U.S.C. §1441, in that:

a. Plaintiff's Complaint alleges that her absences from work due to an alleged temporary disability "qualified her for leave under the Federal Family and Medical Leave Act, 29 U.S.C. 2601, et seq, said leave never being offered to her." See Exhibit A, ¶6. Plaintiff's Complaint further alleges that defendants failed "to inform plaintiff of her rights for family leave under the aforesaid law." Id. at ¶7. Accordingly, plaintiff's claims allege a cause of action governed by the Family and Medical Leave Act of 1993, 29 U.S.C. §2601 et seq. ("FMLA").

b. This Court has original jurisdiction over the above-captioned action pursuant to the FMLA, which may properly be removed to this Court pursuant to 28 U.S.C. §1441. See, e.g., Conoshenti v. Pub. Serv. Elec. & Gas Co., 364 F.3d 135, 140 n.5 (3d Cir. 2004) (stating that the District Court had jurisdiction under 28 U.S.C. §1331 because the case involved a federal question, and that removal was proper under 28 U.S.C. § 1441(b)); see also Wis. Dep't of Corr. v. Schacht, 524 U.S. 381, 386 (1998) (stating that removal based upon federal question is proper where plaintiff's claims "arise under" federal law).

c. This Court has pendent jurisdiction over plaintiff's state law claims pursuant to 28 U.S.C. §1367.

5. This Notice of Removal is filed within the time provided by 28 U.S.C. §1446(b) and the Federal Rules of Civil Procedure.

6. Upon filing of this Notice of Removal, Defendants shall give written notice thereof to Michael J. Dillon, Esq., KRUMHOLZ DILLON, PA, attorneys for plaintiff, Jane Eisenberg, and Defendants shall file copies of said Notice of Removal with the Clerk, Superior Court of New Jersey, Law Division, Monmouth County, Freehold, New Jersey.

7. By filing this notice, Defendants do not waive any defenses or claims which may be available to them.

8. All defendants in this action have consented to the removal of this action to the District Court for the District of New Jersey.

WHEREFORE, defendants, The Board Of Education Of Rabbi Pesach Raymon Yeshiva, Rabbi Pesach Gross, and Nachum Sorkin remove the above-captioned action now pending against them in the Superior Court of New Jersey, Law Division, Monmouth County, to the United States District Court for the District of New Jersey, wherein it shall proceed as an action originally commenced therein.

By: /s/ Daniel R. Levy
DANIEL R. LEVY
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DATED: June 3, 2009

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this date I caused a copy of the foregoing Notice of Removal to be served upon plaintiff, via first class mail, to Michael J. Dillon, Esq., KRUMHOLZ DILLON, PA, attorneys for plaintiff, Jane Eisenberg, at 574 Summit Avenue, Suite 402, Jersey City, New Jersey 07306. I also caused two copies of the foregoing document to be served via first class mail to the Clerk, Superior Court of New Jersey, Monmouth County Courthouse, 71 Monument Park, Freehold, New Jersey 07728-1266.

By: /s/ Daniel R. Levy
DANIEL R. LEVY
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DATED: June 3, 2009